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3 **UNITED STATES DISTRICT COURT**
4 **WESTERN DISTRICT OF WASHINGTON**
5 **AT TACOMA**

6 **JAMES BENEDICT STOCKHOLD,**

7 Petitioner,

8 v.

9 **SCOTT FRAKES,**

10 Respondent.

No. C10-5595 RBL/KLS

**ORDER FOR SERVICE AND
RETURN § 2254 PETITION**

11
12 (1) The Clerk shall arrange for service by certified mail upon Respondent, a copy of
13 the petition and all documents in support thereof (Dkts. 1 and 2), and this Order. All costs of
14 service shall be advanced by the United States. The Clerk shall assemble the necessary
15 documents to effect service. The Clerk shall send Petitioner a copy of this Order, and the
16 General Order. The Clerk will also send a courtesy copy of the Petition to the Washington State
17 Attorney General's Office.

18 (2) Within forty-five (45) days after such service, Respondent shall file and serve an
19 answer in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States District
20 Courts. As part of such answer, Respondent should state whether Petitioner has exhausted
21 available state remedies, whether an evidentiary hearing is necessary, and whether there is any
22 issue of abuse of delay under Rule 9. Respondent shall not file a dispositive motion in place of
23 an answer without first showing cause as to why an answer is inadequate. Respondent shall file
24 the answer with the Clerk of Court and serve a copy of the answer upon Petitioner.

(3) The answer will be treated in accordance with Local Rule CR 7. Accordingly, upon receipt of the Answer the Clerk will note the matter for consideration on the fourth Friday after the answer is filed, Petitioner may file and serve a response not later than on the Monday immediately preceding the Friday appointed for consideration of the matter, and Respondent may file and serve a reply brief not later than the Friday designated for consideration of the matter.

DATED this 2nd day of September, 2010.


Karen L. Strombom
United States Magistrate Judge